

REMARKS

Claims 9-16 are all of the pending claims, with claims 1 and 9 being written in independent form. No claims are amended in response to the current claim rejection.

Allowable Subject Matter

Claims 9-16 are indicated as being allowable if amended to overcome the rejections under 35 USC §101. Claims 9-16 are allowable for the reasons discussed below.

Examiner Interview

A telephone interview was conducted on June 23, 2009 between Applicants' representative and Examiner Cam Truong. During the interview, the rejection of claims 9-16 under 35 USC §101 was discussed. It was agreed during the interview that the rejection would be withdrawn upon entry of a statement indicating that the "central data store" is a hardware device and not software. It was also agreed that no claim amendments are required to have the rejection withdrawn. The requested statement regarding the claimed "central data store" is provided below.

Rejection under 35 USC §101

Claims 9-16 are rejected under 35 USC §101. The rejection is respectfully traversed. Specifically, it is alleged that the claims "are not a series of steps or acts to be a process nor are they a combination of chemical components to be a composition of matter" and "as such they fail to fall within a statutory category."

35 USC §101 recites, "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title." Thus, limiting 35 USC §101 to only machines, manufactures and processes is well outside of the scope of authority of the Examiner.

Applicants respectfully submit that the subject matter of claims 9-16 includes subject matter that is at least a composition of matter and/or is tied to a specific machine. For example, the "central data store" recited in independent claim 9 is a hardware device that stores "object names of automation objects, as directory entries in a directory.

The claimed directory is also at least a machine, manufacture and a composition of matter in that it exists and takes up space. The directory is also useful in that it stores automation objects. Similarly, the directory entries must certainly be at least a composition of matter and be useful in that they contain information related to the automation objects that is identifiable and storable.

As the central data store is a hardware device, Applicants request that the rejection be withdrawn, as agreed by the Examiner.

CONCLUSION

Reconsideration and allowance of the pending claims is earnestly solicited.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John Fitzpatrick at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

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